

# Licensing and approvals process for hydrogen generation activities

## Introduction

As of 11 July 2024, hydrogen generation and associated activities are regulated under the *Hydrogen and Renewable Energy Act 2023* (HRE Act) and *Hydrogen and Renewable Energy Regulations 2024*.

The responsibility for administering the HRE Act including regulating hydrogen and renewable energy activities approved under the HRE Act and those transitioning from the *Planning, Development and*

*Infrastructure Act 2016* sits with the Department for Energy and Mining (DEM).

This information sheet provides an overview of the assessment and approval processes for hydrogen generation activities, providing the process steps to obtain a hydrogen generation licence (HGL) and be approved to commence hydrogen generation activities.

## Regulated activities

The type of hydrogen generation activities that can be authorised under a hydrogen generation licence include:

- construction, installation, operation, maintenance and decommissioning of a hydrogen generation facility and generating hydrogen for a commercial purpose
- other regulated activities of a prescribed kind within the licence area as specified in the licence. This can include:
  - constructing, installing, operating, maintaining or decommissioning direct air capture infrastructure to be used for the purposes

of capturing carbon dioxide associated with generating hydrogen

- constructing, installing, operating, maintaining or decommissioning infrastructure necessary for the storage of any compound of hydrogen created in accordance with the provisions of the Act
- construction, installation, operation, maintaining, management and decommissioning of a port, wharf or jetty associated with the import or export of hydrogen or a compound of hydrogen created in accordance with the provisions of the Act.

## Where hydrogen generation activities can occur

An application for an HGL can be applied for anywhere in the state. However, the issuing of an HGL is subject to the applicant demonstrating they have or will acquire a right or interest in respect of the land comprising the licence application area, and subject to other assessment and approval requirements being met.

The process by which an applicant can obtain a right or interest in land will vary depending on the land tenure. For example:

- for freehold land, a right or interest is negotiated between the applicant and the landowner
- where there is pastoral land, obtaining a right or interest involves excising the affected lease area under the *Pastoral Land Management and Conservation Act 1989* and then a lease being sought under the *Crown Land Management Act 2009*. Each requirement is subject to obtaining the approval of the relevant Minister

- a lease can be issued over other types of Crown land subject to obtaining approval of the relevant Minister.

It is recommended that applicants:

- identify specific legislative requirements for their project to proceed, and

- commence discussions with all parties affected by the proposed activities as early as possible in the project planning phase.

DEM can facilitate discussions with relevant agency contacts.

## Licensing and approvals process

This section provides an overview of the licensing and approvals process for persons applying for an HGL. Relevant requirements need to be completed before operations can commence.

Key steps in this process are as follows here:

### LICENCE APPLICATION

Submitted as early as possible, noting application will need to include a draft work program.

### ASSESSMENT AND APPROVAL OF STATEMENT OF ENVIRONMENTAL OBJECTIVES (SEO)

Requires preparation of an environmental impact report (EIR) and SEO, and approval of a consultation plan for targeted consultation on both EIR and SEO, if operations not within the ambit of an existing SEO

### GRANT OF LICENCE

Subject to meeting pre-grant requirements, including approval of work program and approval of SEO, AIL is granted. Authorises licensee to carry out specific activities, subject to meeting conditions and pre-commencement requirements

### PRE-COMMENCEMENT

Approval of operational management plan, notice of commencement (where required)

The following flowcharts provide more detailed process steps for the key licensing and approval requirements. Relevant sections of the HRE Act and regulations are included for reference. These should be read in conjunction with the HRE Act and associated regulations, ensuring the latest versions are being referenced.

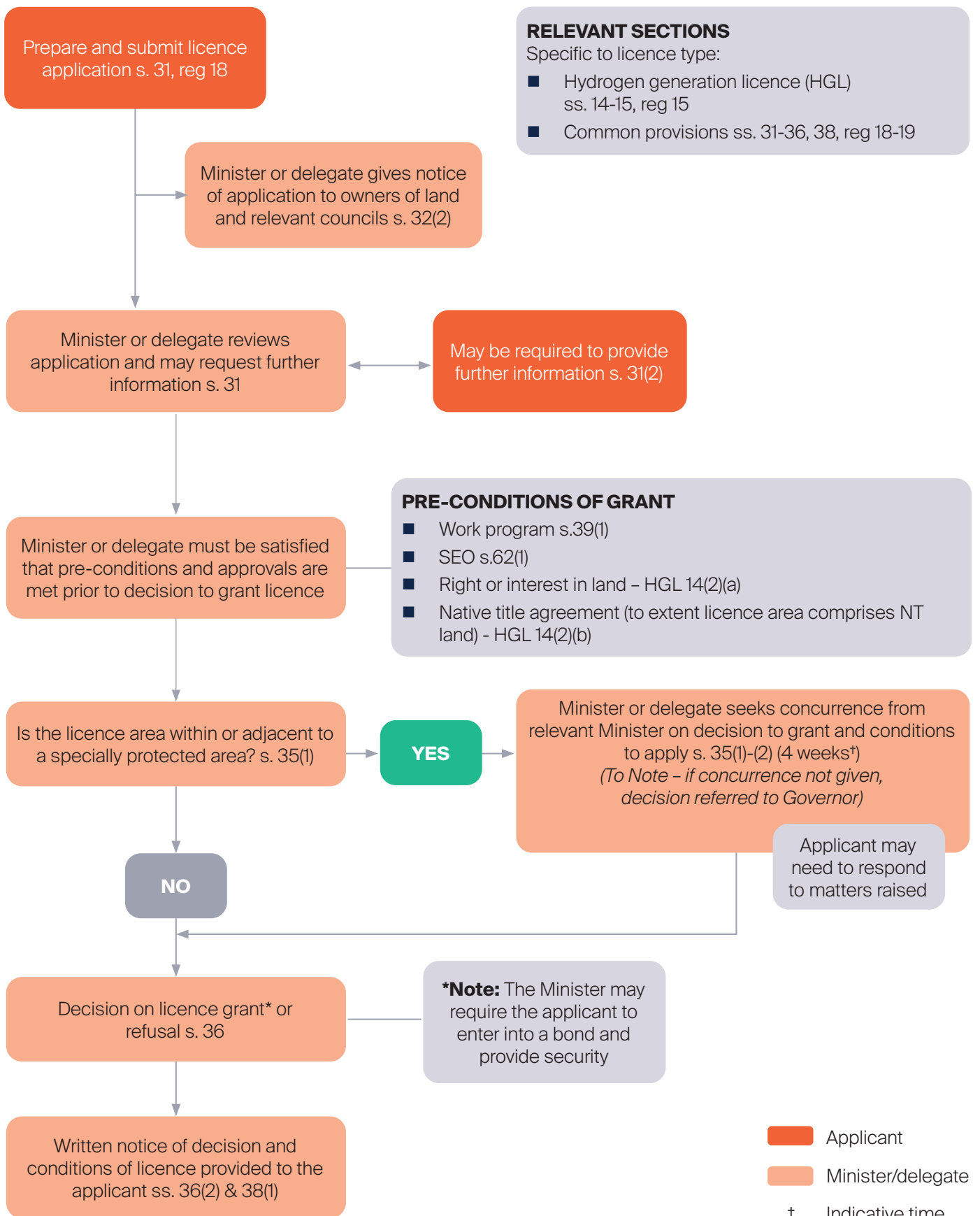
It is recommended that proponents submit a licence application as early as possible to get the application recognised. While the licence application is not required to be lodged first, doing so assists DEM with planning and scheduling its regulatory activities and one window to government engagement.

Some of the processes can be undertaken in parallel. Proponents should determine the way they want to proceed with approvals that is appropriate to their circumstances, noting the dependencies to be met before a licence can be granted or activities can commence.

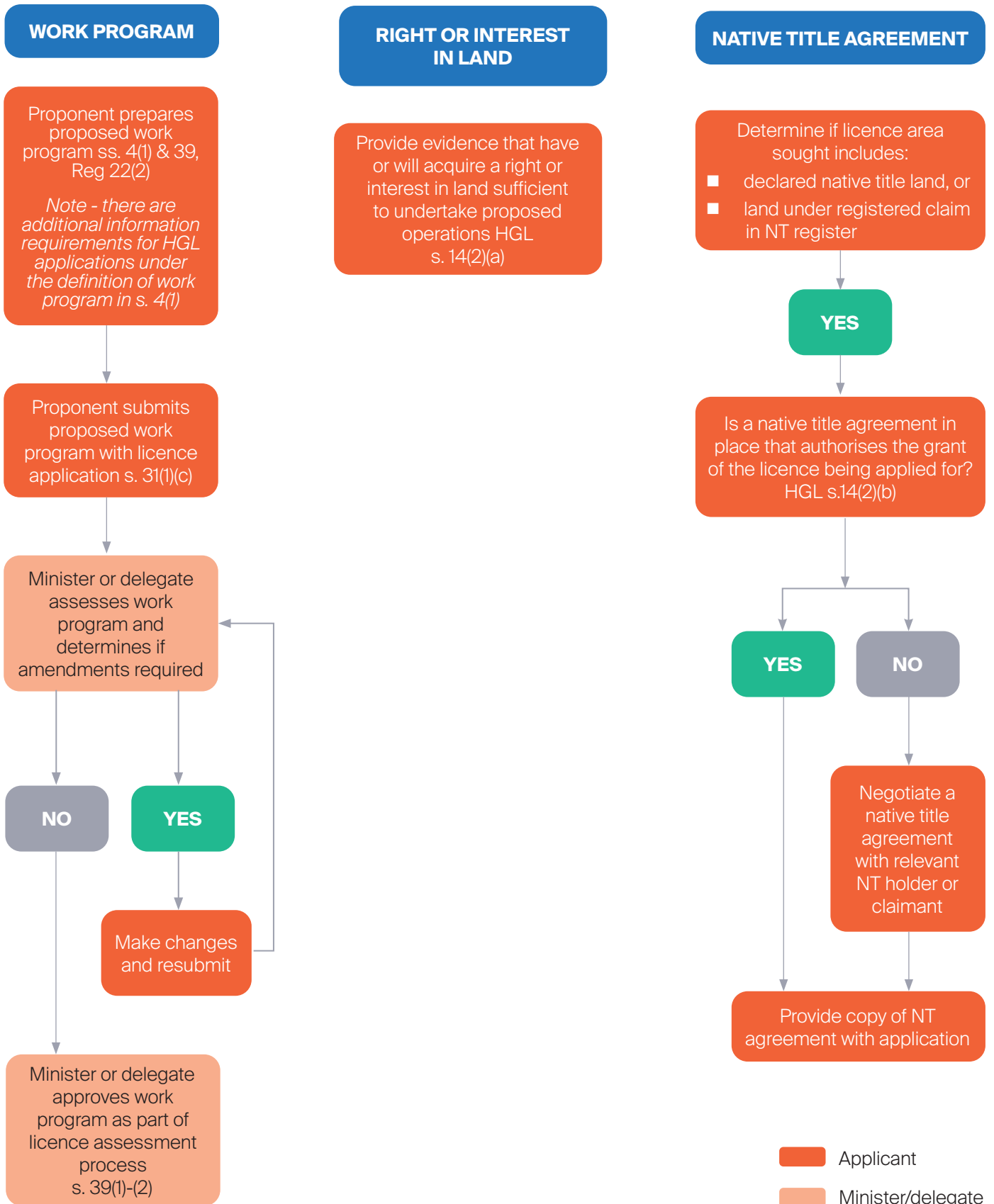
## Key process requirements



## Licence application and grant

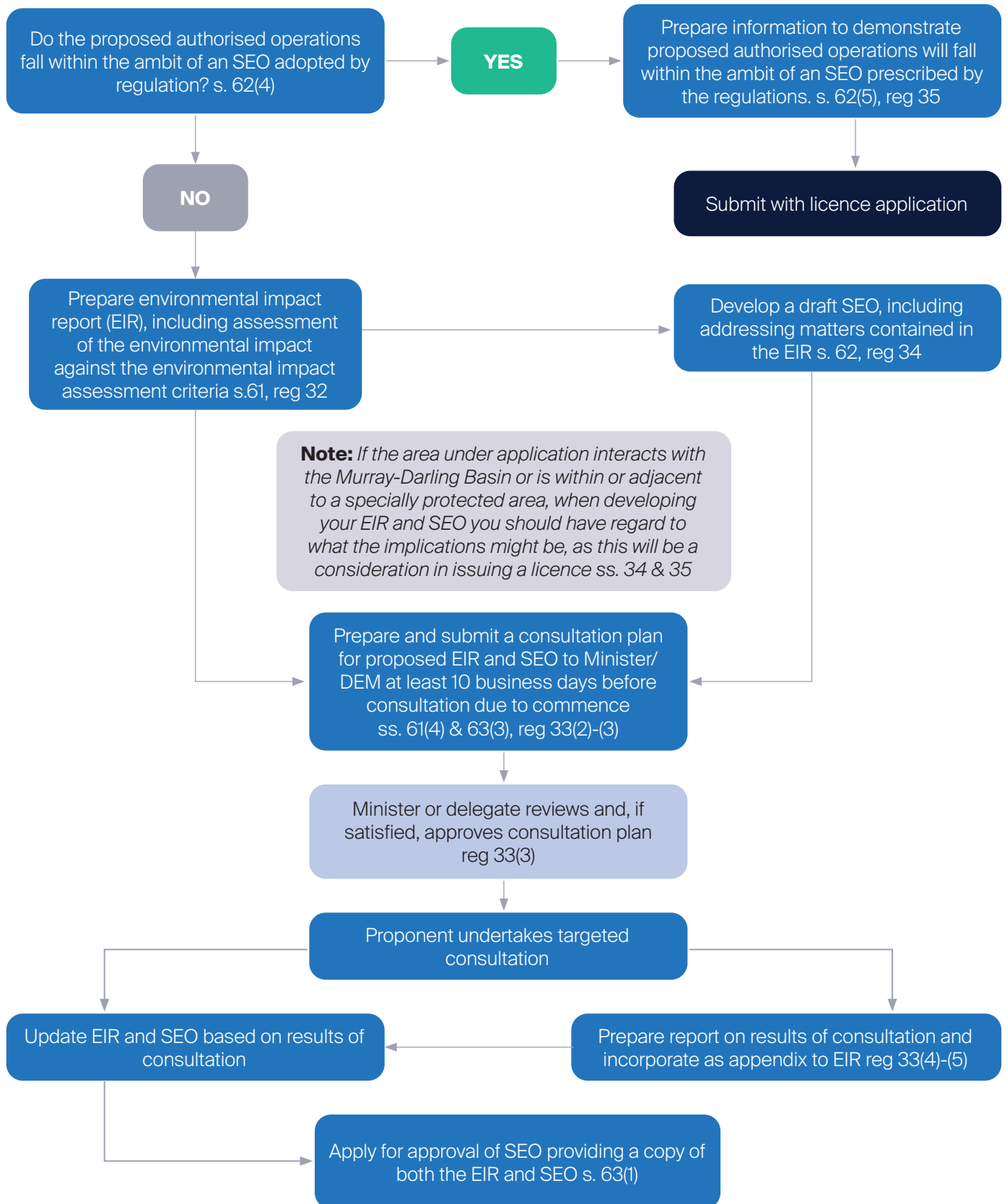


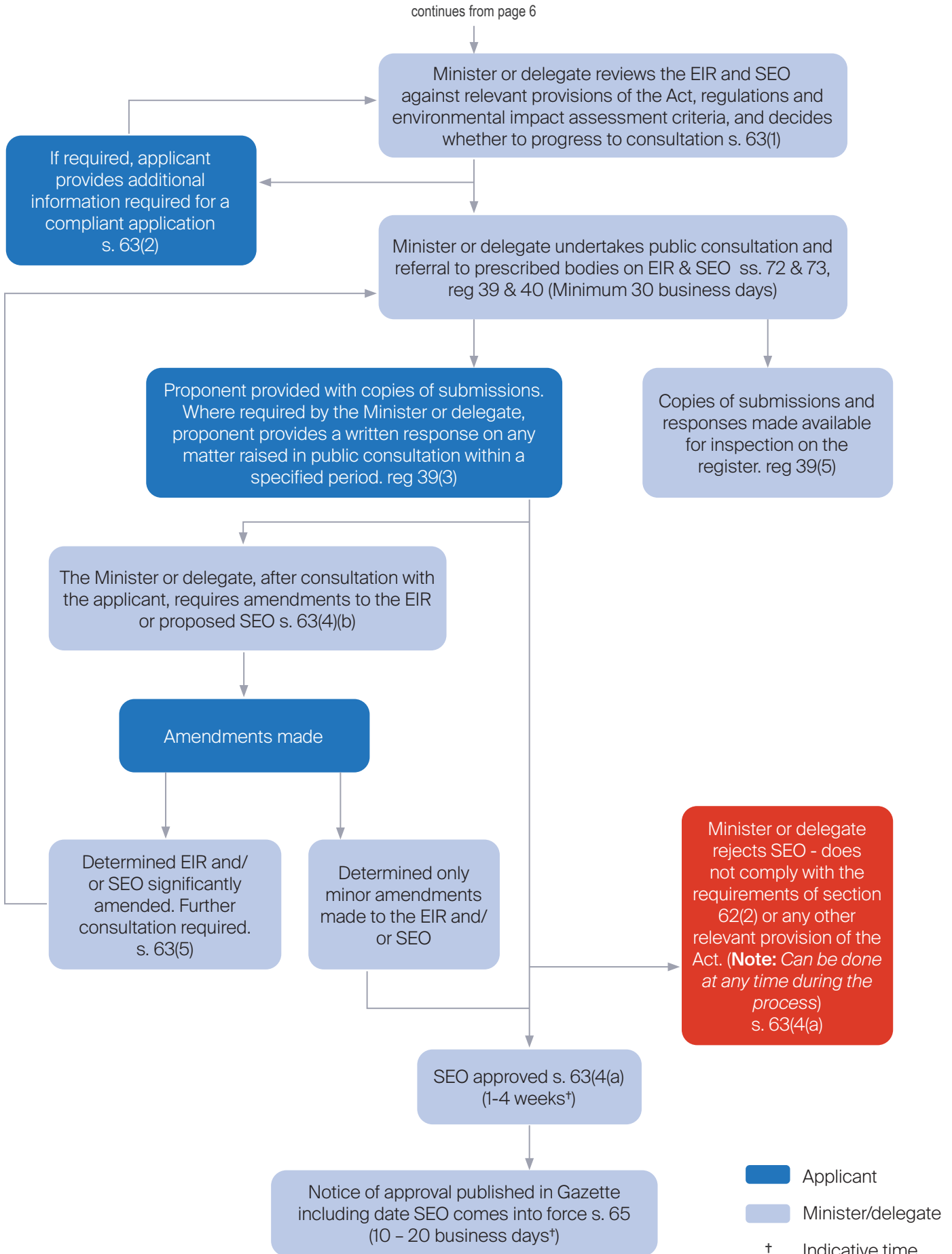
## Licence application - proposed work program, right or interest in land, native title agreement



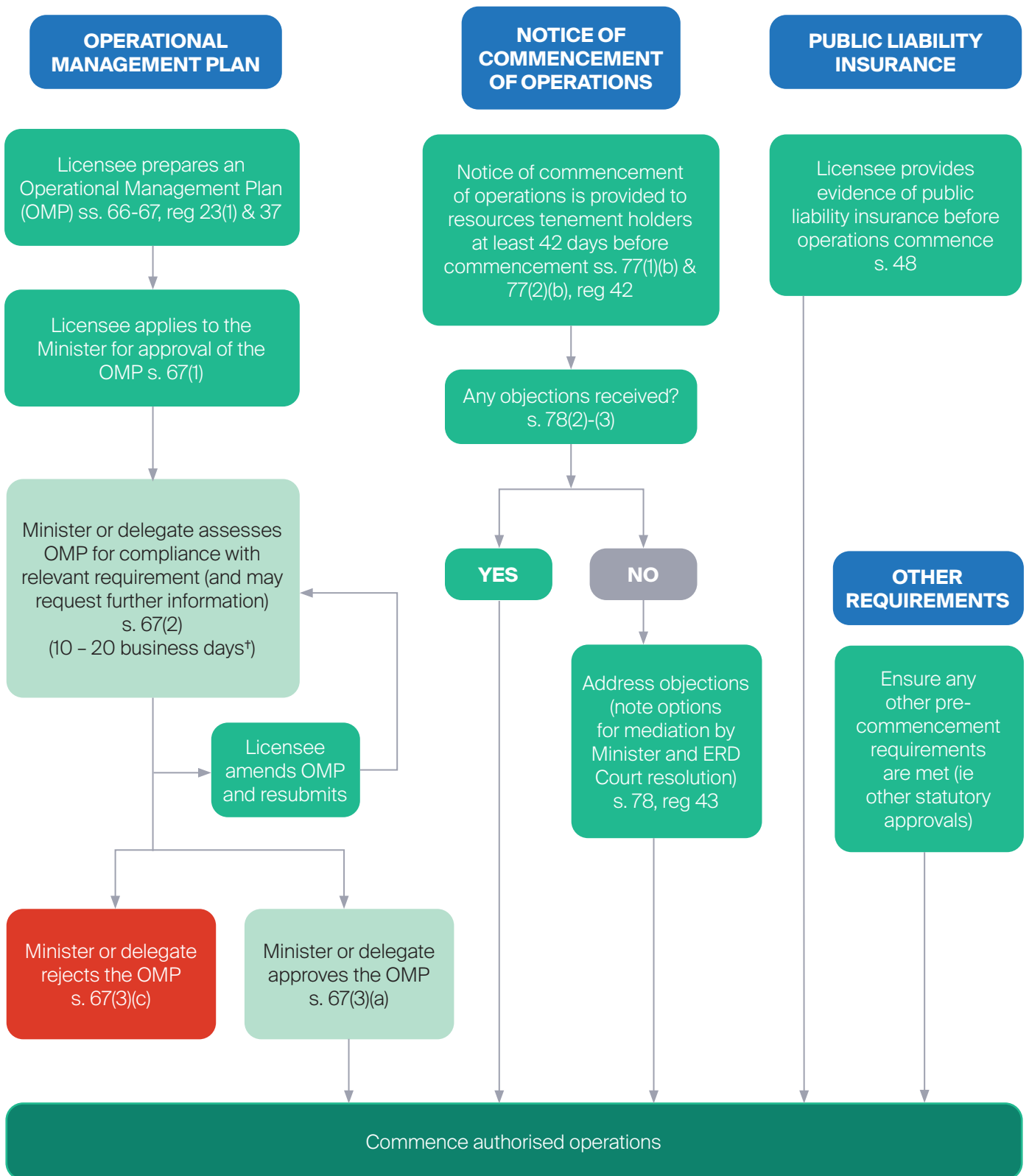
## Approval Statement of Environmental Objectives (SEO)

As per s.62(1) of the HRE Act, the Minister must not grant a licence unless an approved SEO objectives in respect.





## Pre-commencement requirements



■ Applicant  
■ Minister/delegate  
 † Indicative time

## Further information, lodgement and reporting

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DEM can be contacted about licensing and approval requirements, lodgement of documents for approvals and meeting of reporting obligations as per the following:

**DEM Energy Licensing:** [DEM.ERDLicensing@sa.gov.au](mailto:DEM.ERDLicensing@sa.gov.au)

- Enquiries about, and applications for the approval of, licences and permits
- Licence reporting obligations (Part 5 of regulations, excluding incident reports)

**DEM Energy Regulation:** [DEM.EnergyRegulation@sa.gov.au](mailto:DEM.EnergyRegulation@sa.gov.au)

- Enquiries about, and applications for the approval of:
  - consultation plans
  - statement of environmental objectives and environmental impact reports
  - operational management plans
- Incident reporting (regulation 30)

**General information on the HRE Act:** [www.energymining.sa.gov.au/industry/hydrogen-and-renewable-energy/hydrogen-and-renewable-energy-act](http://www.energymining.sa.gov.au/industry/hydrogen-and-renewable-energy/hydrogen-and-renewable-energy-act)

## ACKNOWLEDGEMENT OF COUNTRY

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As guests on Aboriginal land, the Department for Energy and Mining (DEM) acknowledges everything this department does impacts on Aboriginal country, the sea, the sky, its people, and the spiritual and cultural connections which have existed since the first sunrise. Our responsibility is to share our collective knowledge, recognise a difficult history, respect the relationships made over time, and create a stronger future. We are ready to walk, learn and work together.

## FURTHER INFORMATION

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## DISCLAIMER

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While every attempt has been made to ensure that the information in this document is accurate, the requirements for individual circumstances may vary. As such this document should be used for guidance purposes only. Applicants are advised to seek independent advice tailored to their individual circumstances to ensure they identify and address, where applicable, Federal, state and local government approvals required for their specific project.



**Government  
of South Australia**

Department for  
Energy and Mining

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